

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**JAMES P. SMITH,**

**Defendant.**

**No. 05-CR-30057-DRH**

**ORDER**

**HERNDON, District Judge:**

Now before the Court is Smith's May 19, 2005 motion to continue (Doc. 13). The Government does not object to the motion. The Court being fully advised in the premises finds that Smith needs additional time to conduct plea negotiations. In addition, the Court finds that pursuant to **18 U.S.C. § 3161(h)(8)(A)**, the ends of justice served by the granting of such continuance outweigh the best interests of the public and the Defendant in a speedy trial. Therefore, the Court **GRANTS** Smith's May 19, 2005 motion to continue (Doc. 13). The Court **CONTINUES** the **jury trial** scheduled for May 31, 2005 at 9:00 a.m. to **Monday, July 25, 2005 at 9:00 a.m.** The time from the date the original motion was filed, May 19, 2005, until the date to which the trial is rescheduled, July 25, 2005, is excludable time for the purposes of speedy trial. The parties shall notify the Court if a change of plea

hearing is necessary in this matter.

**IT IS SO ORDERED.**

Signed this 19th day of May, 2005.

/s/ David RHerndon  
**United States District Judge**